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OFFICE OF PETITIONS

In re Application of

Amafuji, et al.

Application No. 09/644,797

Filed: August 24, 2000

Attorney Docket No. D-990

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment filed February 7, 2006.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**¹.

This application was held abandoned on February 22, 2002, after it was believed that a proper response was not filed to the final Office action mailed October 21, 2002. The final Office action allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). The record reflects that a response was filed January 23, 2003. An Advisory Action mailed February 5, 2003, informed applicants that the response filed January 23, 2003, failed to place the application in condition for allowance. On February 19, 2003, applicants filed an amendment with a request for an extension of time within the first month. A Notice of Abandonment was mailed on January 25, 2006, indicating that the reply filed February 19, 2003, was not a proper reply to the final Office action.

Petitioner states that the response filed February 19, 2003, was timely and proper; petitioner asserts that the amendment filed February 19, 2003, placed the application in condition for allowance. Petitioner concludes that the holding of abandonment was improper and should be withdrawn.

A review of the application file reveals that Examiner Paul Bell made an indication in the record, specifically on the amendment filed February 19, 2003, itself, that the amendment filed February 19, 2003, should be entered. It is noted that the application was reassigned to a new examiner and amendment filed February 19, 2003, received no further consideration and that no further action was taken in the application until three years after the amendment was filed. Notwithstanding, the record demonstrates that the amendment filed February 19, 2003, was a proper and timely response to the final Office action mailed October 21, 2002. Based on the aforementioned, it appears that the application was

¹ This decision was reached after consultation with a supervisor in the Office of Petitions.

improperly held abandoned as a proper response was of record prior to the expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being directed to Technology Center, GAU 2675 for further processing.

Further inquiries regarding this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
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Office of Petitions